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OFFICE OF PETITIONS

In re Application of :
Chung et al. :
Application No. 10/053,431 :
Filed: January 17, 2002 :
Attorney Docket No. UNIV0123 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on October 6, 2005, to revive the above-identified application.

The application became abandoned on January 4, 2005, for failure to file a proper response to the final Office action mailed on September 3, 2004, which set a three (3) month shortened statutory period for reply. On December 9, 2004, petitioner submitted an amendment in response to the final Office action and a request for an extension of time for response within the first month. However, the examiner found that the amendment did not *prima facie* place the application in condition for allowance. An Advisory Action was mailed on June 9, 2005.

On June 24, 2005, petitioner filed a petition under 37 CFR 1.137(a), an RCE, and an amendment; however, the petition was dismissed by the decision of August 19, 2005. Although the application was abandoned, on September 22, 2005, the examiner mailed a final Office action, which set a three (3) month shortened statutory period for reply. On October 6, 2005, petitioner filed the present petition under 37 CFR 1.137(b) and a "Status Inquiry Due To A Prosecution History Inconsistency And Request For Withdraw Of Office Action."

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an RCE and an amendment, as well as made the proper statement of unintentional delay.

Accordingly, the petition under 37 CFR 1.137(b) is granted.

This matter is being referred to Technology Center Art Unit 2676 to remail and restart the period for response to the final Office action of September 22, 2005, because the application was abandoned at the time of the mailing of the Office action.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

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